



WASHOE COUNTY

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Finance DN
DA ✓
Risk Mgt. DE
HR N/A
Comptroller MS

STAFF REPORT

BOARD MEETING DATE: August 11, 2015

DATE: July 21, 2015

TO: Board of County Commissioners

FROM: Jennifer Budge, CPRP, Park Operations Superintendent,
Community Services Department; 775.328.2181, jbudge@washoecounty.us

THROUGH: Eric Crump, Division Director, Operations
Community Services Department, 328-2182, ecrump@washoecounty.us

SUBJECT: (1) Approve a Resolution accepting real property (currently APN(s) 148-122-11, 148-122-12, totaling 1.1-acres) for use as a non-motorized public trail corridor within the Galena Canyon Subdivision;

(2) approve a Grant of Easement for Water facilities between Washoe County and Truckee Meadows Water Authority (currently APNs 148-122-11, 148-122-12, 148-282-03, 148-301-03, 148-302-01 and 148-303-03); and

(3) direct the Clerk's Office to record the Resolution and Grant of Easement. (Commission District 2.)

SUMMARY

Two parcels, totaling 1.1-acres, were offered for dedication to Washoe County for use as a non-motorized trail corridor within the Galena Canyon Subdivision as part of the Galena Canyon Subdivision final map. The original offer was rejected by Washoe County, as the trail corridor was neither complete nor constructed to Washoe County standards. The trail corridor has since been constructed to the identified standards and this resolution officially accepts the property in compliance with NRS 278.390. The trail corridor will be maintained by the Galena Canyon Homeowners Association. Please refer to attached map for reference.

The water facilities easement will allow Truckee Meadows Water Authority (TMWA) the ability to provide water service to adjacent customers, as there are concerns with wells not functioning in this area.

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

PREVIOUS ACTION

August 11, 2009, The Board of County Commissioners adopted a resolution accepting real property (APNs 148-282-03, 148-301-03, 148-302-01, 148-303-03, 148-304-03 totaling 1.159 acres) for use as a non-motorized public trail corridor within the Galena Canyon Subdivision; and authorized the chairman to execute Resolution and authorized the Director of Regional Parks and Open Space to record Resolution.

AGENDA ITEM # 6E3

BACKGROUND

APNs 148-122-11, 148-122-12 totaling 1.1-acres were identified for use as a non-motorized trail corridor and were subsequently offered for dedication by Tract map No. 3521, Document No. 2203147, recorded on April 23, 1998; Tract Map No. 4245, Document No. 2899903, recorded on August 5, 2003; and Tract Map No. 4335, Document No. 3018803, recorded on April 7, 2004. The original offer of dedication was rejected by Washoe County, as the trail corridor was not complete nor constructed to Washoe County standards.

NRS 278.390 provides that if at the time a final map is approved but the offer to dedicate the associated trail corridor is rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the trail corridor for public use.

The trail corridor has since been constructed to meet County standards and is required to be maintained by the Galena Canyon Homeowner's Association in perpetuity, as outlined in their CC & R's.

The water facilities easement will allow Truckee Meadows Water Authority (TMWA) the ability to provide water service to adjacent customers, as there are concerns with wells not functioning in this area. Should TMWA conduct work in the trail corridor, the agreement provides that TMWA will replace the trail at its expense, to its previous condition after conducting work.

FISCAL IMPACT

The trail corridor is required to be maintained by the Galena Canyon Homeowner's Association in accordance with the Declaration of Covenants, Conditions, and Restrictions, Washoe County Recorder Doc. No. 3456215. The only costs associated with acceptance of this property will be for staff time to inspect the trails annually, ensuring they are maintained in compliance with Washoe County standards. Inspections will be conducted by the Mt. Rose District operations staff cost center 140710 from existing budget allocations.

RECOMMENDATION

Staff recommends that the Board of County Commissioners (1) approve a Resolution accepting real property (currently APNs 148-122-11, 148-122-12, totaling 1.1-acres) for use as a non-motorized public trail corridor within the Galena Canyon Subdivision; (2) approve a Grant of Easement for Water facilities between Washoe County and Truckee Meadows Water Authority (currently APNs 148-122-11, 148-122-12, 148-282-03, 148-301-03, 148-302-01 and 148-303-03); and (3) direct the Clerk's Office to record the Resolution and Grant of Easement.

POSSIBLE MOTION

Should the Board agree with the recommendation, a possible motion would be: "Move to approve a Resolution accepting real property (currently APNs 148-122-11, 148-122-12, totaling 1.1-acres) for use as a non-motorized public trail corridor within the Galena Canyon Subdivision; approve a Grant of Easement for Water facilities between Washoe County and Truckee Meadows Water Authority (currently APNs 148-122-11, 148-122-12, 148-282-03, 148-301-03, 148-302-01 and 148-303-03); and direct the Clerk's Office to record the Resolution and Grant of Easement."

RESOLUTION ACCEPTING REAL PROPERTY
FOR USE AS A NON-MOTORIZED PUBLIC TRAIL CORRIDOR
WITHIN THE GALENA CANYON SUBDIVISION

GALENA CANYON SUBDIVISION UNIT 1, TRACT MAP NO. 3521, DOCUMENT NO. 2203147, RECORDED April 23, 1998; GALENA CANYON SUBDIVISION UNIT 2A, TRACT MAP NO. 4245, DOCUMENT NO. 2899903, RECORDED AUGUST 5, 2003; AND GALENA CANYON SUBDIVISION UNIT 2B, TRACT MAP NO 4335, DOCUMENT NO. 3018803, RECORDED APRIL 7, 2004. (currently Assessor's Parcel Numbers 148-122-11, 148-122-12, totaling 1.1-acres)

WHEREAS, It is a function of Washoe County, through its Community Services Department, to provide public recreation opportunities including regional trail corridors for non-motorized uses; and

WHEREAS, Certain real property was identified for use as a non-motorized trail corridor and was subsequently offered for dedication by Tract map No. 3521, Document No. 2203147, recorded on April 23, 1998; Tract Map No. 4245, Document No. 2899903, recorded on August 5, 2003; and Tract Map No. 4335, Document No. 3018803, recorded on April 7, 2004; and

WHEREAS, Said offer of dedication was rejected by Washoe County, as the trail corridor was not complete nor constructed to Washoe County standards; and

WHEREAS, NRS 278.390 provides that if at the time a final map is approved but the associated trail corridor is rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the trail corridor for public use; and

WHEREAS, Said trail corridor has been constructed to meet County standards and is required to be maintained by the Galena Canyon Homeowner's Association in accordance with the Declaration of Covenants, Conditions, and Restrictions, Washoe County Recorder Doc. No. 3456215; and

WHEREAS, Said trail corridor is important to the regional trail system for public recreation opportunities; and

WHEREAS, The Board of County Commissioners find that it is in the best interest of the public to accept said trail corridor; now, therefore, be it

RESOLVED, By the Washoe County Board of Commissioners, pursuant to NRS 278.390, that the trail corridor shown on Tract Map No. 3521, Tract Map No. 4245 and Tract Map No. 4335 are hereby accepted, and the Community Services Department is directed to open the trail corridor for public use; and

BE IT FURTHER RESOLVED, and hereby ordered, that the Clerk's Office shall record this resolution in the Office of the Washoe County Recorder.

Adopted this 11th Day of August, 2015

By: _____
Marsha Berkbigler, Chair

ATTEST:

Nancy Parent
County Clerk

**A.P.N: 148-122-11, 148-122-12,
148-282-03, 148-301-03,
148-302-01 and 148-303-03**

After Recordation Return To:
Truckee Meadows Water Authority
P.O. Box 30013
Reno, Nevada 89520-3013
Attn: Heather Edmunson, SR/WA, Land Agent

The undersigned hereby affirms that this document submitted for recording does not contain the personal information of any person or persons per N.R.S. 239B.030.

**GRANT OF EASEMENT FOR
WATER FACILITIES**

THIS INDENTURE, made and entered into this 11 day of August, 2015, by and between **WASHOE COUNTY**, a political subdivision of the State of Nevada, (hereinafter referred to as "Grantor"), and **TRUCKEE MEADOWS WATER AUTHORITY**, a Joint Powers Authority entity created pursuant to a cooperative agreement among the cities of Reno, Nevada, Sparks, Nevada and Washoe County, Nevada, pursuant to N.R.S. Chapter 277 (hereinafter referred to as "Grantee").

RECITALS :

- A. Grantor owns the real property located in the County of Washoe, State of Nevada, more particularly described as APN: 148-122-11, 148-122-12, 148-282-03, 148-301-03, 148-302-01 and 148-303-03 (the "Grantor Property");
- B. Grantee operates a municipal water system in Washoe County;
- C. Grantor desires to grant an easement to Grantee over a portion of the Grantor Property, for the purposes of and on the terms and conditions set forth herein.

NOW THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

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GRANT OF EASEMENT

1. Grant of Easement. Grantor hereby grants to Grantee, its successors, assigns, agents, and licensees a permanent and non-exclusive easement and right of way to construct, alter, maintain, inspect, repair, reconstruct, and operate water system facilities, together with the appropriate mains, markers, conduits, pipes, valve boxes, meters, fixtures, and any other facilities or appurtenances deemed necessary or convenient by Grantee to provide water service (hereinafter called "Water Facilities"), over, across, upon, under, and through that portion of the Grantor Property more fully described on **Exhibit "A"** and shown on **Exhibit "A-1"** attached hereto and made a part hereof (the "Easement Area").

2. Access. Grantee shall have at all times ingress and egress to the Easement Area, including over the Grantor Property to the extent necessary, for the purposes set forth above.

3. Hold Harmless. Subject to the limitation of NRS Chapter 41 and Paragraph 4 below, Grantee shall be responsible for any loss, damage or injury suffered or sustained by Grantor for any damage to the personal property or improvements located on the Grantor Property, to the extent directly caused by any negligent act or omission of Grantee in constructing, maintaining, and operating the Water Facilities in the Easement Area.

4. No Interference. Easement Area is an established non-motorized public trail corridor and Grantee shall not install improvements associated with the Water Facilities that will interfere with this purpose. Grantee is responsible, at its own expense to restore the easement area to its previous condition after conducting work or improvements related to the Water Facilities within the Easement Area. Grantor shall not, without Grantee's prior written consent (which consent shall not be unreasonably withheld), plant, erect or construct, nor permit to be planted, erected or constructed, within the Easement Area, any shrubs, trees, buildings, fences, structures, or any other improvement or obstruction which in the reasonable judgment of Grantee interferes with Grantee's access to and use of the Easement Area for the intended purposes, nor shall Grantor engage in or permit any activity to occur within the Easement Area which in the reasonable judgment of Grantee is inconsistent with Grantee's use of the Easement Area.

Notwithstanding the foregoing, Grantor may install or construct asphalt paving or standard concrete for purposes of providing parking within the Easement Area with Grantee's consent, which shall not be unreasonably withheld. Except as to landscaping, pavement or concrete otherwise permitted by Grantee pursuant to this Section, Grantee shall have the right, without payment, liability or notice to Grantor, to remove or clear any and all buildings, fences, structures, paving, combustible materials, trees, brush, debris, or any other obstruction from the Easement Area, which in the reasonable

judgment of Grantee may interfere with or endanger Grantee's access to or use of the Easement Property or the constructing, altering, maintaining, inspecting, repairing, reconstructing and operating of the Water Facilities.

5. Reimbursement for Grantor Breach. Grantor shall reimburse Grantee for the reasonable costs incurred by Grantee as a result of Grantor's breach of any covenant of Grantor set forth herein.

6. Relocation of Easement Area and Water Facilities. Grantor may, at any time, request the relocation of the Easement Area and Water Facilities to a new location on the Grantor Property, and Grantee agrees to perform such relocation provided (i) such new location is suitable to Grantee for Grantee's intended purposes; (ii) Grantor convey to Grantee an equivalent easement in the new location; and (iii) Grantor pay for all reasonable out-of-pocket costs and expenses incurred by Grantee arising from or related to the relocation of the Water Facilities, whether on or off the Grantor Property, including design costs and retirement of existing facilities.

7. Grantor Warranties. Grantor warrants and represents to Grantee as follows:

a. Title to Grantor's Property. Grantor owns fee title to Grantor's Property and the Easement Area and there are no prior encumbrances, liens, restrictions, covenants or conditions applicable to the Easement Area which will frustrate or make impossible the purposes of the easements granted herein.

b. Authority. The person(s) signing this Easement on behalf of Grantor is duly authorized to so sign and has the full power and authority to bind Grantor, to sell and convey the Easement Area to Grantee, and to enter into and perform the obligations hereunder.

c. Defects. Grantor has no knowledge of any defects or conditions of the Easement Area or Grantor's Property which would impair Grantee's ability to enjoy the use and purpose of this Easement.

d. Legal Access. Legal and sufficient access to this Grant of Easement exists through either the access easement granted hereunder, another easement transferred to Grantee or from a public road.

e. Contracts or Leases. There are no leases, licenses, permits or other contracts with third parties which affect any portion of the Easement Area.

f. Pending Litigation. Grantor is not aware of any pending or threatened litigation or regulatory actions regarding the Easement Area and the Easement Area is not subject to any foreclosure or deed in lieu of foreclosure.

THIS GRANT OF EASEMENT and the terms contained herein are granted in gross for the benefit of Grantee and shall run with the land and shall be binding upon and shall inure to the benefit of Grantor and Grantee and the successors, agents and assigns of Grantor and Grantee, and all rights herein granted may be assigned.

TO HAVE AND TO HOLD all and singular the said premises, granted together with the appurtenances, unto said Grantee, its successors, agents and assigns forever.

IN WITNESS WHEREOF, Grantor has caused these presents duly to be executed the day and year first above written.

Grantor:

By: _____

Name: Marsha Berkbigler

Title: Chair, Washoe County Commission

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

This instrument was acknowledged before me this _____ day of _____, 2015, by _____ as _____ of _____, on behalf of said entity.

Notary Public

EXHIBIT A

Corridor Area A, Equestrian/Pedestrian Corridor, Galena Canyon Subdivision Tract Map Unit 1, Map No. 3521, Recorded on April 23, 1998 as Document No. 2203147.

A.P.N: 148-122-11

Corridor Area B, Equestrian/Pedestrian Corridor, Galena Canyon Subdivision Tract Map Unit 1, Map No. 3521, Recorded on April 23, 1998 as Document No. 2203147.

APN: 148-122-12

Equestrian/Pedestrian Corridor, Galena Canyon Subdivision Tract Map Unit 2A, Map No. 4245, Recorded on August 5, 2003 as Document No. 2899903.

APN: 148-282-03

Corridor Area A, Equestrian/Pedestrian Corridor, Galena Canyon Subdivision Tract Map Unit 2B, Map No. 4335, Recorded on April 7, 2004, as Document No. 3018803.

APN: 148-301-03

Corridor Area B, Equestrian/Pedestrian Corridor, Galena Canyon Subdivision Tract Map Unit 2B, Map No. 4335, Recorded on April 7, 2004, as Document No. 3018803.

APN: 148-302-01

Corridor Area C, Equestrian/Pedestrian Corridor, Galena Canyon Subdivision Tract Map Unit 2B, Map No. 4335, Recorded on April 7, 2004, as Document No. 3018803.

APN: 148-303-03

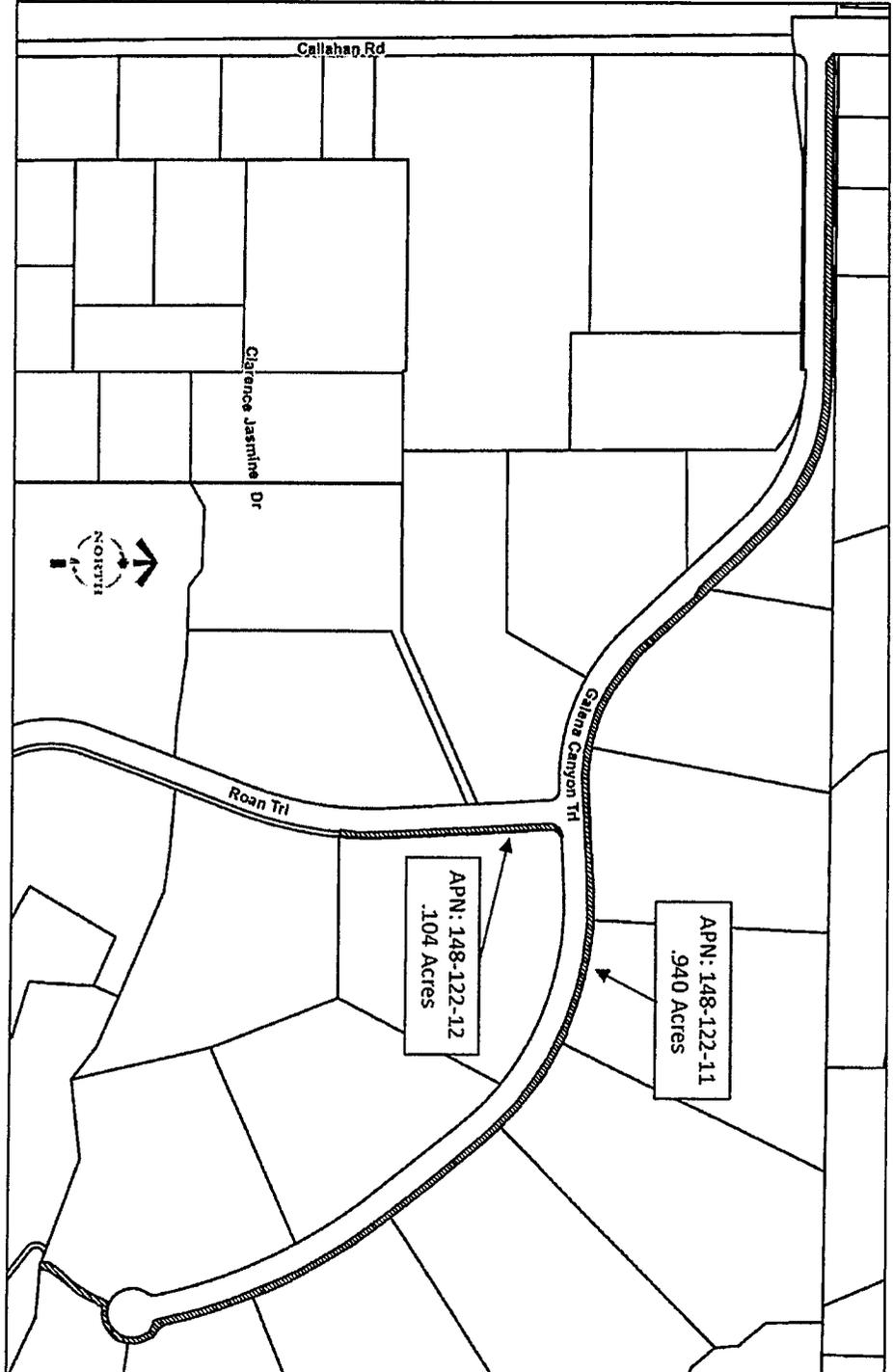
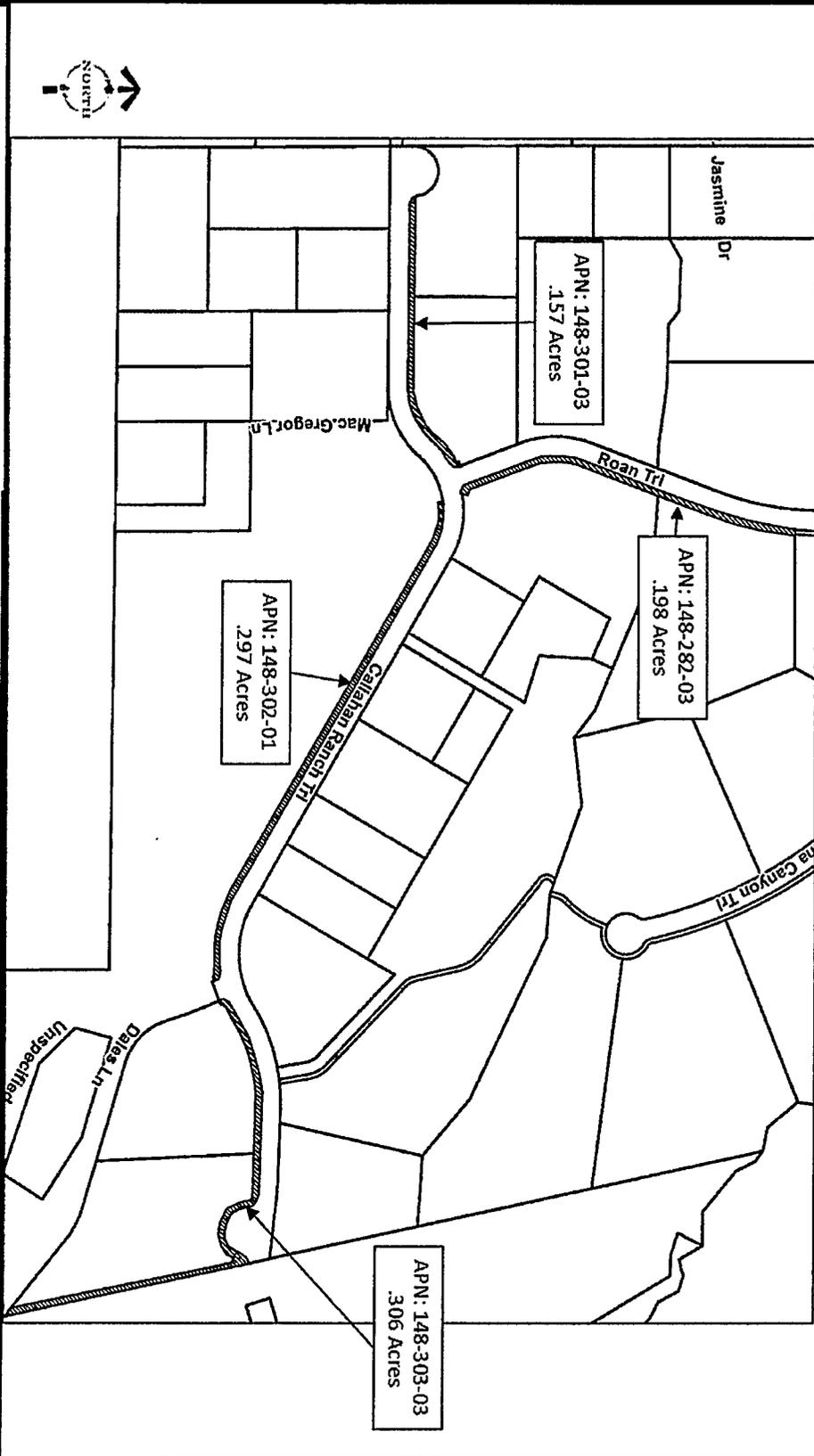


EXHIBIT A-1

EXHIBIT A-1



TRUCKEE MEADOWS WATER
A U T H O R I T Y
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EXHIBIT A-1
WATER FACILITIES EASEMENT EXHIBIT
APNS: 148-301-03, 148-282-03, 148-302-01 & 148-303-03